

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARK A. MAYS,

Plaintiff,

v.

**Civil Action 2:10-cv-00613
Judge James L. Graham
Magistrate Judge E.A. Preston Deavers**

STATE OF OHIO, *et al.*,

Defendants.

ORDER

This matter is before the Court for consideration of the February 9, 2012 Report and Recommendation of the Magistrate Judge. (ECF No. 30.) The Magistrate Judge recommended that the Court grant Defendant Amy Weiss' Motion for Summary Judgment and dismiss Plaintiff's action against Defendant Weiss without prejudice for failure to exhaust administrative remedies.

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to object to the Report and Recommendation within fourteen days results in a "waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report & Recommendation 6, ECF No. 30.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly,

Defendant Amy Weiss' Motion for Summary Judgment is **GRANTED**. (ECF No. 28.) Plaintiff's action against Defendant Weiss is **DISMISSED** without prejudice. The clerk shall enter judgment in accordance with this order and the court's order of May 26, 2011.

IT IS SO ORDERED.

S/ James L. Graham
James L. Graham
UNITED STATES DISTRICT COURT

Date: March 14, 2011